IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

WEDNESDAY, THE 10TH OCTOBER 2007 / 18TH ASWINA 1929

WA.No. 2408 of 2007

(AGAINST THE JUDGEMENT IN WPC.24146/2007)

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APPELLANT/NOT PARTY IN THE WRIT PETITION:

N.VISWAMBHARAN,
S/O.NANU,
'THUSHARA',
VETTILATHAZHAM,
DECENT JUNCTION.P.O.
KOTTAM TALUK,
THRIKKOVILVATTOM VILLAGE.

BY ADV. SRI.T.A.SHAJI

RESPONDENTS: PETITIONER & RESPONDENTS IN THE WRIT PETITION:

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1. A.IBRAHIMKUTTY,
S/O.ALIYARKUNJU,
VILAYILVEEDU, PUTHUCHIRA,
ESTATE P.O.,MAYANALLUR,
KOLLAM.

2. THE DECENT JUNCTION SERVICE CO-OPERATIVE
BANK LTD.NO.Q.133,
DECENT JUNCTION P.O.,
KOLLAM, REPRESENTED BY ITS SECRETARY.

3. KERALA STATE CO-OPERATIVE ELECTION
COMMISSION, TRIVANDRUM,
REPRESENTED BY ITS SECRETARY.

4. THE JOINT REGISTRAR OF CO-OPERATIVE
SOCIETIES (GENERAL),
KOLLAM.

5. THE ADMINISTRATOR,
DECENT JUNCTION,
SERVICE CO-OPERATIVE BANK LTD.NO.Q.133,
DECENT JUNCTION P.O.,
KOLLAM.

BY ADV. SRI.V.G.ARUN
SRI.T.R.HARIKUMAR
GOVERNMENT PLEADER SRI.M.P.SREEKRISHNAN

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 10/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

H.L.DATTU, C.J. & K.T.SANKARAN, J.

W.A. No. 2408 of 2007

Dated this the 10th day of October, 2007.

J U D G M E N T

H.L.Dattu, C.J.

This is a second round litigation by one Mr.Ibrahimkutty.

(2). In the earlier writ petition filed, the petitioner had sought for a direction to the 4th respondent namely the Administrator appointed by the State Government to conduct election to the first respondent Society. This Court by its order dated 22nd February, 2007 was pleased to dispose of the writ petition with a specific direction to the Administrator to conduct election within the time prescribed under the provisions of the Act and the Rules.

(3). Since the Administrator did not hold the election to the first respondent Society, Mr. Ibrahimkutty was once again before this Court for the very same relief. This Court, taking into consideration the earlier order passed by this Court and also taking into account that the provisions of the Act which does not permit the Administrator to continue to manage the affairs of the Society permanently, has thought it fit to direct him to conduct election on or before 17-10-2007. Pursuant to the direction so issued, the respondent has issued calender of events to hold the election to the first respondent Society. The election is scheduled to be held on 14th October, 2007. At this stage, yet another member of the first respondent Society with the permission of this Court is before us, inter alia, questioning the correctness or otherwise of the orders and directions issued by the learned Single Judge in W.P.(C) 24146 of 2007

dated 13th August, 2007.

(4). In the instant case, the State Government had thought it fit to appoint an Administrator to manage the affairs of the first respondent Society in the writ petition. The Administrator appointed under the Act can continue to manage the affairs of the Society for a specific period. The Administrator was expected to have held the elections to the first respondent Society within the time stipulated under the provisions of the Act and the Rules framed thereunder. Since that has not been done by the Administrator, this Court has thought it fit to direct him to hold the election as envisaged under the provisions of the Act and Rules. In our opinion, the direction so issued by the learned Single Judge, is in consonance with the provisions of the Act and Rules framed thereunder. Therefore, interference with the said order at the instance of yet another member is not called for. Therefore, the writ appeal requires to be rejected and it is rejected.

Ordered accordingly.

(H.L.DATTU)
CHIEF JUSTICE

(K.T.SANKARAN)
JUDGE

MS/DK.